



# TOWN OF UNDERHILL

## Development Review Board

JASON A. & KAREN M. GUYMON AND  
ANTOINE M. & PAMELA J. CATUDAL  
SKETCH PLAN REVIEW  
Docket #: DRB-19-08

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<b>Applicant(s):</b>	Jason A. & Karen M. Guymon and Antoine M. & Pamela J. Catudal
<b>Consultant(s):</b>	Rob Goodwin (Surveyor) & Michael Gervis (Engineer)
<b>Property Location:</b>	73 North Underhill Station Road (NU073)
<b>Acreage:</b>	±29.9 Acres
<b>Zoning District(s):</b>	Rural Residential

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<b>Project Proposal:</b>	Sketch Plan Review of Jason A. & Karen M. Guymon and Antoine M. & Pamela J. Catudal for a proposed 2-Lot Subdivision of property located at the aforementioned address.
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### Relevant Background Info:

- September 19, 2014: The Board approved the Applicants', Jason & Karen Guymon, Conditional Use Review application (DRB-14-11) to construct a bridge and portions of a residential driveway within a riparian buffer (see Exhibit F), with conditions.
  - September 30, 2014: The Applicants subsequently obtained an Access Permit (A-14-03) for the construction of the driveway; however, the Selectboard only permitted the driveway serving the principal residence and not the second driveway (see Exhibit G).
  - April 1, 2015: The Building Permit (B-15-01) for a principal residence (a single-family dwelling) and an attached garage was approved.
  - August 13, 2017: Since the Applicants did not build the attached garage at the time, they applied for another Building Permit (B-17-27) to build the attached garage, as well as to build deck. The permit became effective on the aforementioned date.
  - August 22, 2018: The Applicants submitted a building permit (B-18-31) to construct a barn/garage in the area labeled "proposed accessory dwelling" on the access permit (see Exhibit G). The building permit explicitly stated that the building was not approved for dwelling purposes, which is in conformance with the Board's 2014 decision (DRB-14-11). This building permit became effective on September 7, 2018.
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## 2018 UNDERHILL UNIFIED LAND USE & DEVELOPMENT REGULATIONS

### RELEVANT REGULATIONS:

- Article II, Table 2.4 – Rural Residential (pg. 15)
- Article III, Section 3.2 – Access (pg. 30)
- Article III, Section 3.7 – Lot, Yard & Setback Requirements (pg. 38)
- Article III, Section 3.9 – Nonconforming Structures (pg. 40)

- Article III, Section 3.13 – Parking, Loading & Service Areas (pg. 44)
- Article III, Section 3.17 – Source Protection Areas (pg. 55)
- Article III, Section 3.18 – Steep Slopes (pg. 56)
- Article III, Section 3.19 – Surface Waters & Wetlands (pg. 63)
- Article III, Section 3.23 – Water Supply & Wastewater Systems (pg. 68)
- Article VI – Flood Hazard Area Review (pg. 127)
- Article VII, Section 7.2 – Applicability (pg. 139)
- Article VII, Section 7.3 – Sketch Plan Review (pg. 141)
- Article VIII – Subdivision Standards (pg. 150)
- Appendix A – Underhill Road, Driveway & Trail Ordinance

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## CONTENTS:

- a. Exhibit A - Guymon/Catudal Sketch Plan Review Staff Report
- b. Exhibit B - Guymon/Catudal (NU073) Sketch Plan Review Meeting Procedures
- c. Exhibit C - Application for Subdivision
- d. Exhibit D - Project Information
- e. Exhibit E - Certificate of Service
- f. Exhibit F - DRB Decision #: DRB-14-11
- g. Exhibit G - Access Permit #: A-14-03
- h. Exhibit H - Subdivision Plan
- i. Exhibit I - Wastewater Permit # WW-4-4186

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## COMMENTS/QUESTIONS

1. **SECTION 3.2 – ACCESS:** The Board should determine if they want to reserved judgment to require the Applicants to bring the driveways into conformance should they not already be in conformance.
2. **SECTION 3.2 – ACCESS:** The Applicants shall submit an Access Permit for the construction of the driveway to serve Lot 2 prior to the Preliminary or Final Subdivision Review Hearing.
3. **SECTION 8.2.C – EXISTING SITE CONDITIONS:** A small area of prime agricultural soils will likely be bisected by the proposed property line
4. **SECTION 8.2.G – BUILDING ENVELOPES:** The Applicants have not identified a proposed building envelope; therefore, the least restrictive building envelope is presumed.
5. **SECTION 8.8 – LEGAL REQUIREMENTS:** The Applicants should submit a draft Road Maintenance Agreement prior to the Preliminary/Final Subdivision Review hearing.
6. **SECTION 8.8 – LEGAL REQUIREMENTS:** The Applicants should submit a draft septic easement for the benefit of Lot 2 prior to the Preliminary/Final Subdivision Review hearing.
7. **APPENDIX A – ROAD & DRIVEWAYS STANDARDS, SECTION 4.C.12:** The Board should evaluate where they wish to see turnaround areas at the end of each driveway, and if so, an amended Access Permit, or new Access Permit, shall be submitted prior to the Preliminary/Final Subdivision Review.
8. **APPENDIX A – ROAD & DRIVEWAYS STANDARDS, SECTION 4.C.12:** The Board should evaluate if they wish a 10 ft. apron should be installed at the intersection of the shared driveway and North Underhill Station Road.

9. **CONDITION D IN DRB DECISION: DRB-14-11:** The Board should address the condition requiring Board approval prior to filing for a building permit application for the construction of a detached accessory dwelling by either superseding the condition or require conditional use review to be held in conjunction with final subdivision review.
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# STAFF FINDINGS OF RELEVANT SECTIONS

## ARTICLE II – ZONING DISTRICTS

	Rural Residential	Proposed Lot Lot 1 (SFD)	Proposed Lot 2
<b>Lot Size:</b>	3.0 Acres	±9.74	5.3 Acres
<b>Frontage:</b>	250 ft.	0 ft.	±290
<b>Setbacks:</b>			
• Front West	30 ft.	TBD	TBD
• Side 1 North	50 ft.	TBD	TBD
• Side 2 South	50 ft.	TBD	TBD
• Rear West	50 ft.	TBD	TBD
<b>Max. Building Coverage:</b>	25%	TBD	TBD
<b>Max. Lot Coverage:</b>	50%	TBD	TBD
<b>Maximum Height:</b>	35 ft.	TBD	TBD

TABLE 2.4 – RURAL RESIDENTIAL

PG. 15

**Purpose Statement:** Accommodate medium density development on land that has access to public roads where traditional development has taken place, where soil cover is thicker than on the hillside. The Rural Residential district allows for the continuation of existing commercial, residential, and public uses and to encourage future development, particularly along Route 15, Poker Hill Road and Irish Settlement Road that is compatible with these historic uses.

- The proposed subdivision will subdivide a ~30 Acre lot into two lots, which better conforms with medium density development.
- Both lots will utilize a shared driveway via a right-of-way that connects with North Underhill Station Road, a Class III Town Highway, that connects Route 15 with Poker Hill Road.
- Single-family dwellings are proposed for both lots furthering the residential aspect of the purpose statement.

## ARTICLE III – GENERAL REGULATIONS

### SECTION 3.2 – ACCESS

PG. 30

- Lot 1 fails to satisfy the frontage require; however, the frontage requirement can be waived in accordance with §§ 3.7.E.1 & 8.6.A.2 since the lot will be accessed by a shared driveway.
- Both lots will have access via North Underhill Station Road, a Class III Highway.
- An access permit application for the proposed Lot 1 has been approved (see Exhibit G); however, both driveways have already been constructed.
  - The Board should determine if they want to reserved judgment to require the Applicants to bring the driveways into conformance should they not already be in conformance.
  - The Applicants shall submit an Access Permit for the construction of the driveway to serve Lot 2 prior to the Preliminary or Final Subdivision Review Hearing.

### SECTION 3.7 – LOT, YARD & SETBACK REQUIREMENTS

PG. 38

- One principal use/structure is anticipated for each lot – single-family dwellings.

- Lot 2 has a frontage of ±290 ft., which satisfies the frontage requirement of 250 ft.
- A frontage waiver is required for Lot 1, which is allowed in accordance with §§ 3.7.E.1 & 8.6.A.2 since Lot 1 will be accessed via a Shared Driveway.

### SECTION 3.13 – PARKING, LOADING & SERVICE AREAS

PG. 44

- Both lots will contain single-family dwellings, and are likely to satisfy the parking requirement – 2 parking spaces per dwelling.

### SECTION 3.17 – SOURCE PROTECTION AREAS

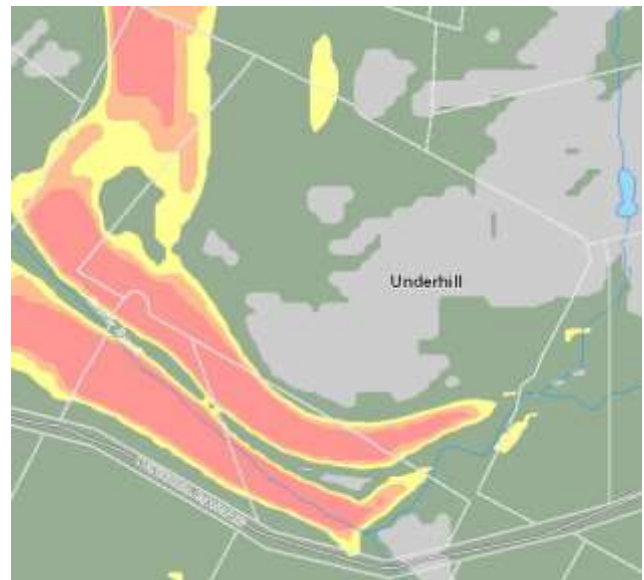
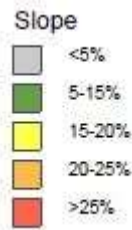
PG. 55

- The subject lot is not located within a Groundwater Source Protection Area.

### SECTION 3.18 – STEEP SLOPES

PG. 56

- Areas of steep slopes (15-25%) are present on the existing lot (see directly to the right).
  - Steep Slopes (15-25%) and Very Steep Slopes (>25%) appear to affect both lots; however, the proposed/existing developments (single-family dwellings) appear to be outside of these areas.
- Since both driveways are already constructed, no additional impact to these areas is anticipated.
  - If the Board requires modifications to the existing driveways, then the Board should take slopes into consideration at that time.



### SECTION 3.19 – SURFACE WATERS & WETLANDS

PG. 63

- An unnamed stream bisects the southern portion of the lot in an east to west direction (see directly to the right) – 25 ft. Setback Requirement.
- Beaver Brook is located to the south of the property; A 50 ft. Setback from the “top of slope” is required since no floodplains are associated with the Brook in this location.
- A Class II Wetland has been identified to the northeast of the property, as well in the south portion of the property – 50 ft. Setback Requirement.
- All anticipated new development is expected to satisfied the aforementioned setback requirements.



**SECTION 3.23 – WATER SUPPLY & WASTEWATER SYSTEMS****PG. 68**

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit (WW-4-4186, see Exhibit I), which should be submitted prior to Preliminary/Final Subdivision review.
- The WW Permit allows for two, 4-bedroom, single-family residences on the existing lot.
- Each single-family dwelling is approved for a drilled well, to be located on each lot.
- A septic system has been approved for each single-family dwelling, noting that the proposed Lot 2 septic system will be located on Lot 1.

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**ARTICLE IV – SPECIFIC USE STANDARDS**

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**SECTION 4.15 – MULTI-DWELLING STRUCTURES (ACCESSORY DWELLINGS, TWO-FAMILY DWELLINGS AND MULTI-FAMILY DWELLINGS)****PG. 92**

- In accordance with Section 4.15.D.3:  
“A detached accessory dwelling may be subdivided and or converted for conveyance or use as principal dwellings only if they are found to meet all current municipal regulations for two single family dwellings in the district where it is located. All municipal permits and approvals shall be obtained prior to conversion to or conveyance as a principal Dwelling.”
- While the barn/garage is not permitted as an accessory dwelling, the potential for that structure to become an accessory dwelling exists, and therefore, the Board should consider the abovementioned provision of the *Unified Land Use & Development Regulations*.

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**ARTICLE VI – FLOOD HAZARD AREA REVIEW**

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- No Special Flood Hazard Areas were depicted on the existing lot according to the ANR Website; therefore, review of this section is not required.

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**ARTICLE VII – SUBDIVISION REVIEW**

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**SECTION 7.2 – APPLICABILITY****PG. 139**

- The Applicants are proposing a 2-Lot subdivision that meets the requirements of Section 7.2.E.1.a.
- Staff recommends that the project be classified as a minor subdivision.

**SECTION 7.3 – SKETCH PLAN REVIEW****PG. 141**

- See Exhibit B pertaining to the purpose statement for Sketch Plan Review.
- The Applicants have submitted the necessary materials for the Board to make a decision about the application.

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**ARTICLE VIII – SUBDIVISION STANDARDS**

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**SECTION 8.1 – APPLICABILITY****SECTION 8.1.B – REQUEST FOR MORE INFORMATION****PG. 150**

- Technical review is not required at this time.

**SECTION 8.1.C – FINDINGS OF FACT****PG. 150**

- Findings of fact are not required at this stage of the subdivision review process.

**SECTION 8.1.D – MODIFICATIONS & WAIVERS****PG. 150**

- The Applicants have not requested any additional modifications or waivers other than the frontage requirement waiver for Lot 1 (in accordance with §§ 3.7.E.1 & 8.6.A.2).

## SECTION 8.2 – GENERAL STANDARDS

### SECTION 8.2.A – DEVELOPMENT SUITABILITY

PG. 151

- No unforeseen undue adverse impacts to the public health, safety or the character of the area in which the proposed development is located are anticipated.
- The Applicants have not expressed any intention of setting aside land as open space that would be excluded from subsequent development lands that periodically flood, have poor drainage, contain very steep slopes (>25%), or have other known hazards, or that is otherwise not suitable to support structures or infrastructure.

### SECTION 8.2.B – DEVELOPMENT DENSITY

PG. 151

- The proposed subdivision meets the density requirements of this Section.

### SECTION 8.2.C – EXISTING SITE CONDITIONS

PG. 151

- A small area of prime agricultural soils will likely be bisected by the proposed property line (see directly right in comparison to Exhibit H); anticipated development could potentially impact this area.
- Areas of steep slopes (15%-25%) and very steep slopes (>25%) exist on both lots (see § 3.18 above).
- An unnamed stream bisects the southern portion of the lot, while Beaver Brook traverses the area to the south of the lot (see § 3.19 above)
- Class II Wetlands exist to the northeast of the property, as well as on the southern area of the property (see § 3.19 above).
- Given the proposed location of the single-family dwelling on Lot 2, as well as the completed single-family dwelling on Lot 1, and the completed driveways, the prime agricultural soils seem to be the only resource being impacting:
  - The Board may explore if there are any options for minimizing impact to the prime agricultural soils.
- The proposed layout of the subdivision and development does not appear to adversely affect any of the other existing site features and/or natural amenities listed in this subsection.



### SECTION 8.2.D – UNDERHILL TOWN PLAN & REGULATIONS

PG. 152

- The proposed project appears to conform to the *Underhill Town Plan* and the *Underhill Unified Land Use & Development Regulations*.



**SECTION 8.2.E – DISTRICT SETTLEMENT PATTERNS**

**PG. 152**

**Rural Districts.** Subdivisions within the Rural Residential, Water Conservation and Scenic Preservation Districts shall be designed and configured to reinforce the rural character and historic working landscape of these districts, characterized by forested hillsides and hilltops, open fields, and moderate to low densities of residential development interspersed with large contiguous tracts of undeveloped land. Lots shall be configured to maintain contiguous tracts of open land between adjoining parcels.

- The proposed project appears to conform with the Rural Districts settlement patterns outlined in Section 8.2.E.1 (see directly to the left).

**SECTION 8.2.F - LAYOUT**

**PG. 153**

- The proposed subdivision conforms with the requirements of this section.
- The proposed layout of the subdivision is configured in a way that would allow subsequent subdivisions should the landowners, or their successors, choose to subdivide.

**SECTION 8.2.G – BUILDING ENVELOPES**

**PG. 153**

- The Applicants have not identified a proposed building envelope; therefore, the least restrictive building envelope is presumed, which shall take into consideration site limitations such as setbacks from surface waters, wetlands and steep slopes.
- The Board should explore whether building envelopes should be illustrated on the subdivision plans.

**SECTION 8.2.H – SURVEY MONUMENTS**

**PG. 153**

- No findings.

**SECTION 8.2.I – LANDSCAPING & SCREENING**

**PG. 153**

- No findings.

**SECTION 8.2.J – ENERGY CONSERVATION**

**PG. 154**

- No findings.

**SECTION 8.3 – NATURAL CULTURAL RESOURCES**

**SECTION 8.3.A – RESOURCE IDENTIFICATION & PROTECTION**

**PG. 154**

- No information pertaining to, nor has any identification relating to, significant cultural and natural features necessitating protection has been submitted for consideration.

**SECTION 8.3.B – SURFACE WATERS, WETLANDS & FLOODPLAINS**

**PG. 155**

- See Section 3.19 and Article VI above for more information.

**SECTION 8.3.C – ROCK OUTCROPS, STEEP SLOPES, HILLSIDES & RIDGELINES**

**PG. 155**

- See Section 3.18 above for more information.

**SECTION 8.3.D – NATURAL AREAS & WILDLIFE HABITAT**

**PG. 156**

- A priority level 4 habitat block is located on the existing lot (see directly to the right on



the next page).

- Proposed development on the proposed Lot 2 will not likely impact the identified habitat block.
- No Deer Wintering Yards have been identified on the lot.
- The ANR Biofinder has also identified the following priority characteristics:
  - Class II Wetlands
  - Highest Priority Wildlife Crossing (overlying the same area as the Class II Wetland on the southern portion of the Lot);
  - Riparian Wildlife Connectivity (encompassing Beaver Brook and the unnamed stream);
  - Highest Priority Surface Water and Riparian Areas (encompassing Beaver Brook and the unnamed stream);
  - Priority Interior Forest Blocks (same area as the identified Forest Blocks to the right);
  - Highest Priority Connectivity Blocks (same area as the identified Forest Blocks to the right); and
  - Representative Physical Landscapes; (mostly the same area as the identified Forest Blocks to the right).



#### SECTION 8.3.E – HISTORIC & CULTURAL RESOURCES

**PG. 157**

- Staff is unaware of any historic and cultural resources located on the existing lot.

#### SECTION 8.3.F – FARMLAND

**PG. 157**

- A small area of prime agricultural soils exists in an area where the proposed property line is anticipated.
- See 8.2.C above for more information.

#### SECTION 8.3.G - FORESTLAND

**PG. 158**

- The proposed property line appears to consider the forested land located towards the northeast portion of the property.
- Anticipated development is expected to occur outside of this forested area.

### **SECTION 8.4 – OPEN SPACE & COMMON LAND**

#### SECTION 8.4.A – OPEN SPACE

**PG. 159**

- The applicants are not proposing to designate any land as open space.

#### SECTION 8.4.B – COMMON LAND

**PG. 160**

- The applicants are not proposing to designate any land as common land.

**SECTION 8.4.C – LEGAL REQUIREMENTS**

**PG. 160**

- No findings.

**SECTION 8.5 – STORMWATER MANAGEMENT EROSION CONTROL**

**PG. 160**

- No findings at this time.

**SECTION 8.6 – TRANSPORTATION FACILITIES**

**SECTION 8.6.A – ACCESS & DRIVEWAY**

**PG. 162**

- Both lots will be served by their own driveways, which will access a shared driveway with access to North Underhill Station Road, and therefore, only the requirements from Sections 3.2 & 8.6.A apply (see above for more information as it relates to the *Underhill Unified Land Use & Development Regulations*). See Appendix A below for more information as it relates to the *Underhill Road, Driveway & Trail Ordinance*.

**SECTION 8.6.B – DEVELOPMENT ROADS**

**PG. 164**

- This subsection does not apply.

**SECTION 8.6.C – PARKING FACILITIES**

**PG. 167**

- This subsection does not apply.

**SECTION 8.6.D – TRANSIT FACILITIES**

**PG. 167**

- This subsection does not apply.

**SECTION 8.6.E – PEDESTRIAN ACCESS**

**PG. 167**

- This subsection does not apply.

**SECTION 8.7 – PUBLIC FACILITIES & UTILITIES**

**SECTION 8.7.A – PUBLIC FACILITIES**

**PG. 168**

- An undue burden on existing and/or planned public facilities is not anticipated.
- Comments from the Mt. Mansfield Union School District will be solicited during the Preliminary/Final Subdivision Review process.

**SECTION 8.7.B – FIRE PROTECTION**

**PG. 168**

- An undue burden on the Underhill-Jericho Fire Department is not anticipated.
- Comments from the Underhill-Jericho Fire Department will be solicited during the Preliminary/Final Subdivision Review process.

**SECTION 8.7.C – WATER SYSTEMS**

**PG. 168**

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit (WW-4-4186, see Exhibit I).
- The WW Permit allows for two, 4-bedroom, single-family residences on the existing lot.
- Each single-family dwelling is approved for a drilled well, to be located on each lot.

**SECTION 8.7.D – WASTEWATER SYSTEMS**

**PG. 169**

- The Applicants have obtained a Wastewater System & Potable Water Supply Permit (WW-4-4186, see Exhibit I).
- The WW Permit allows for two, 4-bedroom, single-family residences on the existing lot.
- A septic system has been approved for each single-family dwelling, noting that the proposed Lot 2 septic system will be located on Lot 1.

#### SECTION 8.7.D – UTILITIES

PG. 169

- No findings.

#### **SECTION 8.8 – LEGAL REQUIREMENTS**

PG. 170

- The Applicants should submit a draft Road Maintenance Agreement prior to the Preliminary/Final Subdivision Review hearing.
- The Applicants should submit a draft septic easement for the benefit of Lot 2 prior to the Preliminary/Final Subdivision Review hearing.

### **APPENDIX A – ROAD & DRIVEWAY STANDARDS**

#### **SECTION 4 – GENERAL PROVISIONS RELATING TO ACCESSWAYS**

##### SECTION 4.B – REASONABLE ACCESS

PG. 8

- Both lots will have access to North Underhill Station Road via a shared driveway.

##### SECTION 4.C – DEVELOPMENT ROAD & DRIVEWAY STANDARDS

PG. 8

- |   |   |
|---|---|
| <p>1. <i>GRADES</i></p> <p>2. <i>TOPOGRAPHY</i></p> <p>3. <i>RADII</i></p> <p>4. <i>CURBS</i></p> <p>5. <i>GEOTEXTILES</i></p> <p>6. <i>DRAINAGE</i></p> <p>7. <i>SLOPES, BANKS &amp; DITCHES</i></p> <p>8. <i>WET AREAS</i></p> <p>9. <i>CULVERS</i></p> <p>10. <i>STREAM CROSSINGS</i></p> <p>11. <i>BRIDGES</i></p> <p>12. <i>DESIGN</i></p> | <ul style="list-style-type: none"><li>• Both driveways, including the shared portion, currently exist and presumably satisfy the 10% slope requirement.</li><li>• Both driveways, including the shared portion, currently exist and presumably satisfy the topography requirements.</li><li>• The Applicants shall ensure that all turning radii are satisfactory to the Underhill-Jericho Fire Department.</li><li>• The Board should determine how to measure the 35 ft. radius.</li><li>• Does not apply.</li><li>• Does not apply.</li><li>• The Applicants shall ensure that no drainage will occur in the Town's right-of-way, nor will drainage impact North Underhill Station Road (which includes sedimentation, erosion or impounding of water).</li><li>• The Applicants shall ensure that ditches will be provided where necessary to prevent infiltration of water into the gravel subbase, and to conduct storm drainage to waterways and absorption areas.</li><li>• This section does not apply.</li><li>• Comments from the Road Foreman will be solicited during the Preliminary &amp; Final Subdivision Review Process.</li><li>• The Applicants already obtained approval to construct a bridge over the unnamed stream (see DRB-14-11, Exhibit F).</li><li>• The Applicants already obtained approval to construct a bridge over the unnamed stream (see DRB-14-11, Exhibit F).</li><li>• The Board should evaluate where they wish to see turnaround areas at the end of each driveway, and if so, an amended Access Permit, or new Access Permit, shall be submitted prior to the Preliminary/Final Subdivision Review.</li><li>• The Board should evaluate if they wish a 10 ft. apron should be installed at the intersection of the shared driveway and North Underhill Station Road.</li></ul> |
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## SECTION 5 – SPECIFIC PROVISIONS: DRIVEWAYS & DEVELOPMENT ROADS

### SECTION 5.A - DRIVEWAYS

PG. 11

1. *CONSTRUCTION & DESIGN REQUIREMENTS*
  - The Board should evaluate the existing driveways, and shared driveway, and determine if they need to be brought up to the AOT B-71 Standards.
2. *LOCATION*
  - One existing access point onto North Underhill Station Road is currently being utilized.
3. *WIDTHS*
  - The existing access way, shared driveway and driveway presumably already satisfy the width requirements.
4. *NONCONFORMING LOTS*
  - Does not apply.